APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,479	02/26/2004	Richard D. Dettinger	ROC920030330US1	6996

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
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EXAMINER
HILLERY, NATHAN

ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/787,479	DETTINGER ET AL.
	Examiner	**Art Unit**	
	Nathan Hillery	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). ·
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 July 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,5,6,11-13,15,24 and 25* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,5,6,11-13,15,24 and 25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892) ·
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070915

DETAILED ACTION

1.   This action is responsive to communications: RCE filed on 7/26/07.

2.   Claims 1 – 3, 5, 6, 11 – 13, 15, 24 and 25 are pending in the case. Claims 1, 11,

24 and 25 are independent.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/26/07

has been entered.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1 – 3, 5, 6, 11 – 13, 15, 24 and 25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Wiesehuegel et al. (US 20020128949 A1) as applied to claims

1 and 11 above, and further in view of Keating (US 20020052895 A1).

6.   **Regarding independent claim 1**, Wiesehuegel et al. teach that the network

dispatchers receive broker requests for offerings by a proxy server. Thus, the guest

brokers may use their web browser personal computers or wireless web browsers, to

query the outside database via a computer network such as the Internet (paragraph

block 0058), which meet the limitation of **receiving a request for a web page**

comprising displayable content including user-selectable elements through

which a user invokes one or more executable functions;

Wiesehuegel et al. teach that a web page including a place bid button or icon is

sent to the bidder including the information about the products to which he is entitled to

bid normally (paragraph block 0067), which meet the limitations of **providing the web**

page with the displayable content; and **parsing the web page to identify the user-**

selectable elements.

Wiesehuegel et al. teach that for items which a bidder is only allowed to read as

a guest, the bid button is either disabled ("grayed out") and provided with an

informational message such as "Sorry, you are not allowed to bid on this item at this

time", or the bid button is removed from the web page entirely (paragraph block 0067),

which meet the limitation of **disabling at least portion of the user-selectable**

elements on the basis of a pre- defined transform definition to produce a re-

configured web page, thereby making the one or more executable functions

corresponding to the portion of the user-selectable elements unavailable to the

user viewing the re-configured web page without setting values of variables

within the application code;

Wiesehuegel et al. teach that for those items to which he is entitled to view information but restricted from bidding, the information (or a subset of the information) regarding the items will be displayed with all bidding actions disabled or with no bidding actions given (paragraph block 0066), which meet the limitation of **returning the re-configured web page for display**.

Wiesehuegel et al. do not explicitly teach that **wherein the pre-defined transform definition is an XSL transform defined for the web page, applied by an XSL transform engine, and specifying the portion of the user- selectable elements to be disabled**.

Keating teaches that the prior art teaches that the XSL language permits user to alter and modify XML documents. In particular, XSL consists of two parts including a method for transforming XML documents and a method for formatting XML documents. XSL can also add completely new elements into the output file or remove elements. It can rearrange and sort the elements, and test and make decisions about which elements to display, and a lot more (paragraph block 0008), which meet the limitation of **wherein the pre-defined transform definition is an XSL transform defined for the web page, applied by an XSL transform engine, and specifying the portion of the user- selectable elements to be disabled**.

Because both Wiesenhuegel et al. and Keating teach methods of using a pre-defined transform, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one method for the other to achieve the predictable result of using a pre-defined XSL transform.

7.   **Regarding dependent claim 2**, Wiesehuegel et al. teach that for items which a

bidder is only allowed to read as a guest, the bid button is disabled ("grayed out")

(paragraph block 0067), which meet the limitation of **the portion of the user-**

selectable elements for which the one or more executable functions are made

unavailable remain visible while the one or more executable functions are

unavailable.

8.   **Regarding dependent claim 3**, Wiesehuegel et al. teach that for items which a

bidder is only allowed to read as a guest, the bid button is removed from the web page

entirely (paragraph block 0067), which meet the limitation of **disabling comprises**

removing the portion of the user-selectable elements from the web page prior to

returning the re- configured web page.

9.   **Regarding dependent claim 5**, Wiesehuegel et al. teach that a web page

including a place bid button is sent to the bidder (paragraph block 0067), which meet

the limitation of **the user-selectable elements are graphical user interface elements.**

10.   **Regarding dependent claim 6**, Wiesehuegel et al. teach that the guest brokers

may use their web browser personal computers or wireless web browsers, to query the

outside database via a computer network such as the Internet (paragraph block 0058),

which meet the limitation of **the request is issued by a web browser.**

Response to Arguments

11.   Applicant's arguments with respect to claims 1 – 3, 5, 6, 11 – 13, 15, 24 and 25

have been considered but are moot in view of the new ground(s) of rejection.

12.   As to Applicant's characterization of the 7/23/07 Interview, it should be noted as

stated in the Examiner's summary of the interview that amendments specifying the XSL

transform and its role in the invention would overcome the rejection under 35 USC 102,

since Wiesehuegel et al. does not explicitly teach an XSL transform engine. However,

no discussion or mention of the rejection under 35 USC 103 in view of Keating took

place. Keating was discussed as to lack of motivation to combine with Wiesehuegel et

al. There was no agreement made on that matter, which appears to be moot now in

view of the KSR decision and thus new motivation proffered by the Office.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nathan Hillery whose telephone number is (571) 272-

4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Hillery
Examiner
Art Unit 2176

NH